

# Risk Assessment & Risk Management



# Welcome!

## Learning Objectives:

- Describe the research underlying risk assessment and strategies for effectively implementing a risk assessment tool
- Articulate a continuum of management strategies to address the assessed risk of individuals
- Analyze the application of assessment and management strategies in local jurisdictions

# Bryan Taylor



**Digital Media Manager**

**Pretrial Justice Institute**

# Pretrial Risk Assessment



# Actuarial Risk Assessment

- What it is
  - Data driven
  - Research informed
  - Objective aid to decision making
  - Used for decades in commerce/criminal justice
- What it isn't
  - Person-specific
  - A replacement for judicial discretion



# What is pretrial risk assessment?

- Tool that gives judges information about a defendant's risk of
  - (1) failing to appear
  - and
  - (2) engaging in new criminal activity during pretrial release
- 1960s Manhattan Bail Project



# What is pretrial risk assessment? (cont.)

- Is legally permissible
  - Court's decision about release or detention has to be based on standards/criteria and those have to be reasonable/not arbitrary
- Pretrial risk assessment science has evolved a lot in the past 10 years

# What are the goals of pretrial risk assessment?

	Risk Level	
Location	Lower/Medium	Higher
Community	Yes	No
Jail	No	Yes

# What do these tools look like? Virginia example:



Criteria	Points Assigned
Most serious charge for the current offense is a felony	1
Defendant has one or more charges pending in court at the time of the arrest	1
Defendant has one or more misdemeanor or felony convictions	1
Defendant has two or more failure to appears	2
Defendant has two or more violent convictions	1
Defendant has lived at the current residence for less than one year prior to the arrest	1
Defendant has not been employed continuously for the previous two years and was not the primary caregiver for a child at the time of arrest	1
Defendant has a history of drug abuse	1
Risk Level	Risk Score
1 (lowest)	0,1 points
2	2 points
3	3 points
4	4 points
5 (highest)	5 – 9 points

# Who supports pretrial risk assessment?



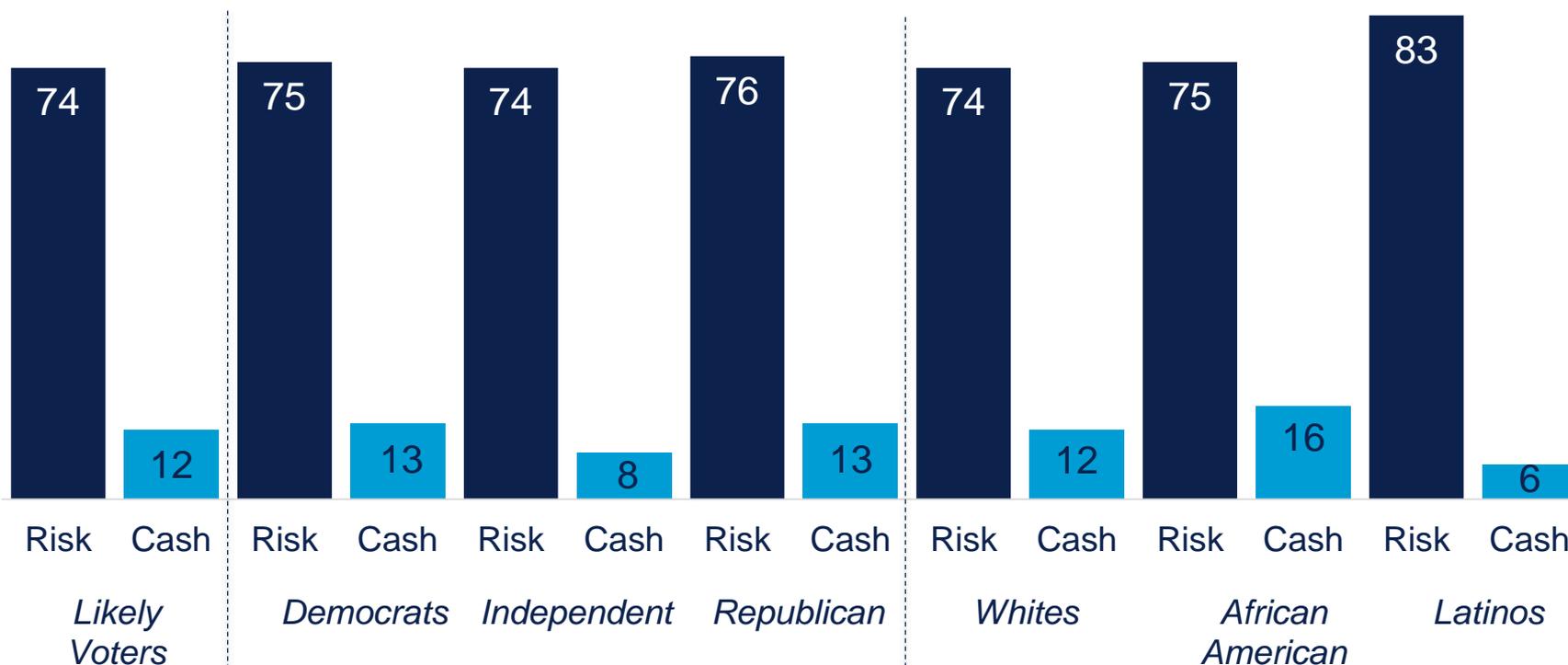
Justice system  
Stakeholders & reformers

The public

# System/Reformer Support



# Public Opinion: Risk Assessment vs. Cash Bail



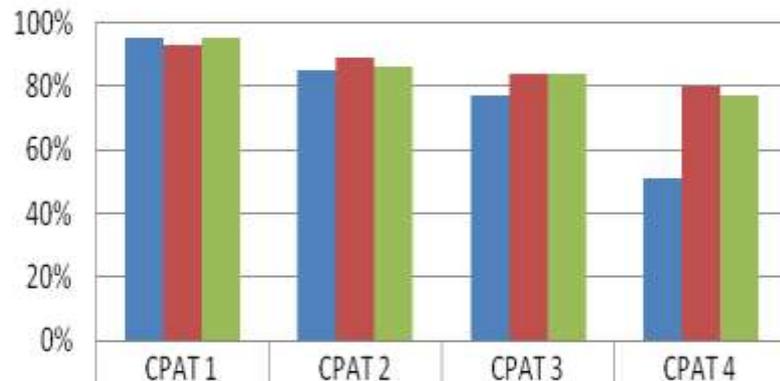
# States requiring use of pretrial risk assessments

- Colorado
- Delaware
- Hawaii
- Kentucky
- New Jersey
- West Virginia

# Pretrial Tools are Accurate

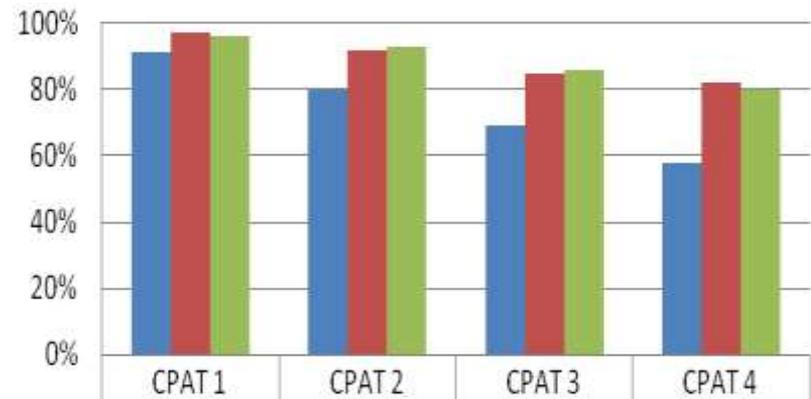
## City and County of Denver

### Court Appearance Rates by CPAT Category



CPAT Proj	95%	85%	77%	51%
2013 Actual	93%	89%	84%	80%
2014 Actual	95%	86%	84%	77%

### Public Safety Rates by CPAT Category

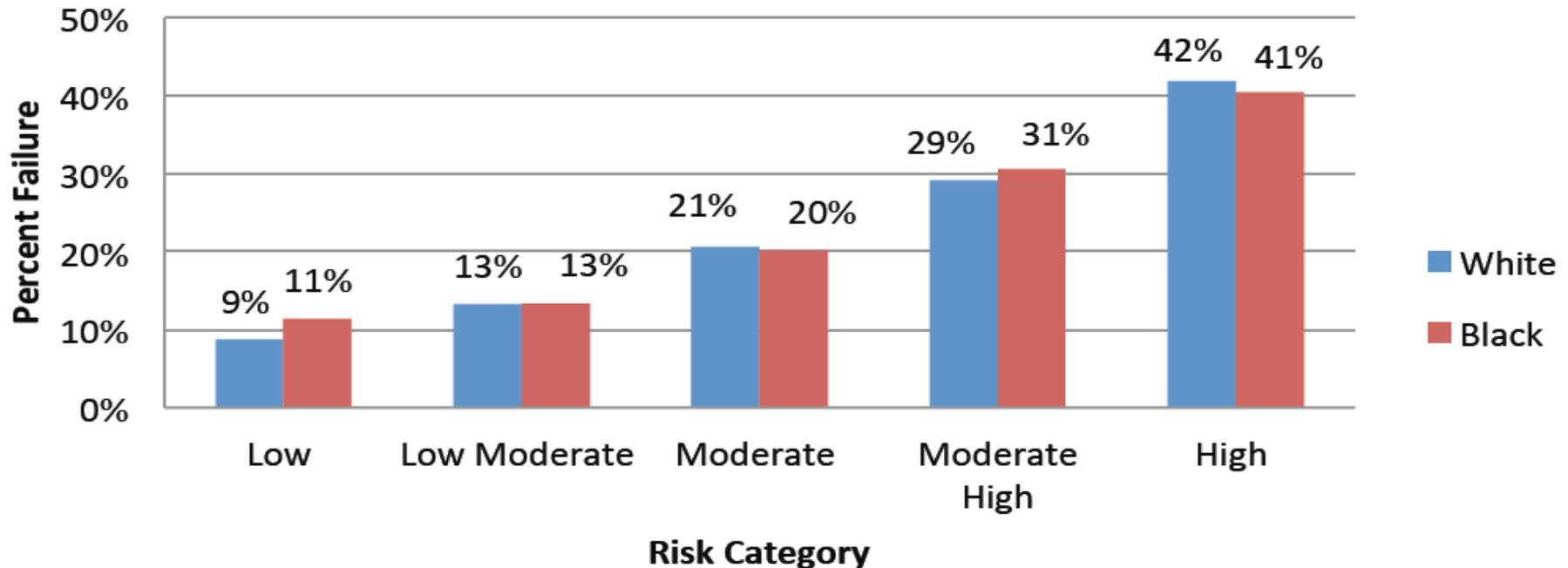


CPAT Proj	91%	80%	69%	58%
2013 Actual	97%	92%	85%	82%
2014 Actual	96%	93%	86%	80%

# Pretrial Tools are Fair

## PSA-Court (guards against false labeling)

### Race



# PSA-Court: The Future of Risk Assessment?

- Developed; being refined and validated
- Data from millions of cases; dozens of jurisdictions (state and local)
- Three new features
  1. Defendant-interview is not needed
  2. Only uses administrative data
  3. Has a violence flag
- Will be free
- Integrated with decision-making

# Changing to a risk-based system: common concerns

- Risk instruments:
  - Don't have enough detail
  - Replace discretion
  - Inherently biased
  - Undervalue offense
  - Too expensive (time, resources, etc.)



# John Clark



**Senior Manager,  
Technical Assistance**

**Pretrial Justice Institute**

# Pretrial Risk Management

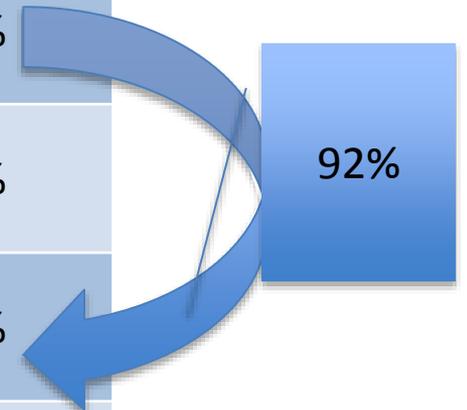


# What do we know about pretrial risk management?

- Low risk  $\neq$  supervision
- Moderate risk = supervision
- High risk  $\approx$  supervision

# Few defendants are high risk

Risk Category	Public Safety Rate	Court Appearance Rate	% of Defendants
1	91%	95%	20%
2	80%	85%	49%
3	69%	77%	23%
4	58%	51%	8%



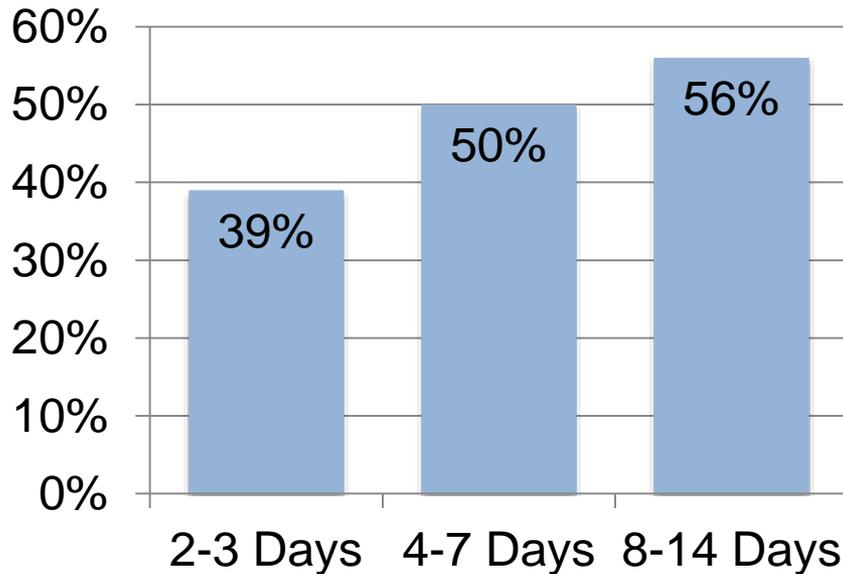
# High risk defendants get out

*“...defendants who are high-risk and/or violent are often released... nearly half of the highest-risk defendants were released pending trial.”*

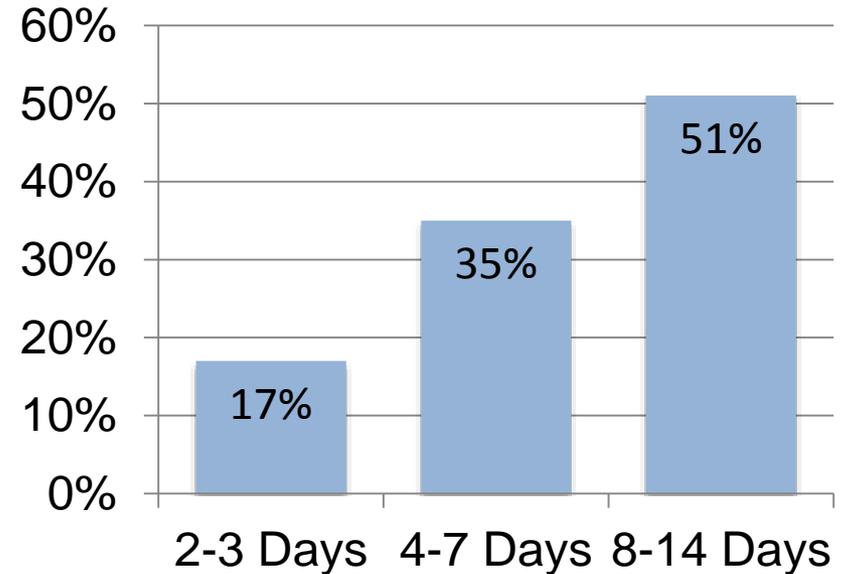
- Developing a National Model for Pretrial Risk Assessment, Laura & John Arnold Foundation, 2013

# Need for quick placement

## Increase in New Criminal Arrest Low-Risk Defendants\*



## Increase in 2-Year Recidivism Low-Risk Defendants\*



\*Lowenkamp, C.T., VanNostrand, M., & Holsinger, A. (2013). The Hidden Costs of Pretrial Detention. Laura and John Arnold Foundation. New York City, NY.

# Need to find a placement



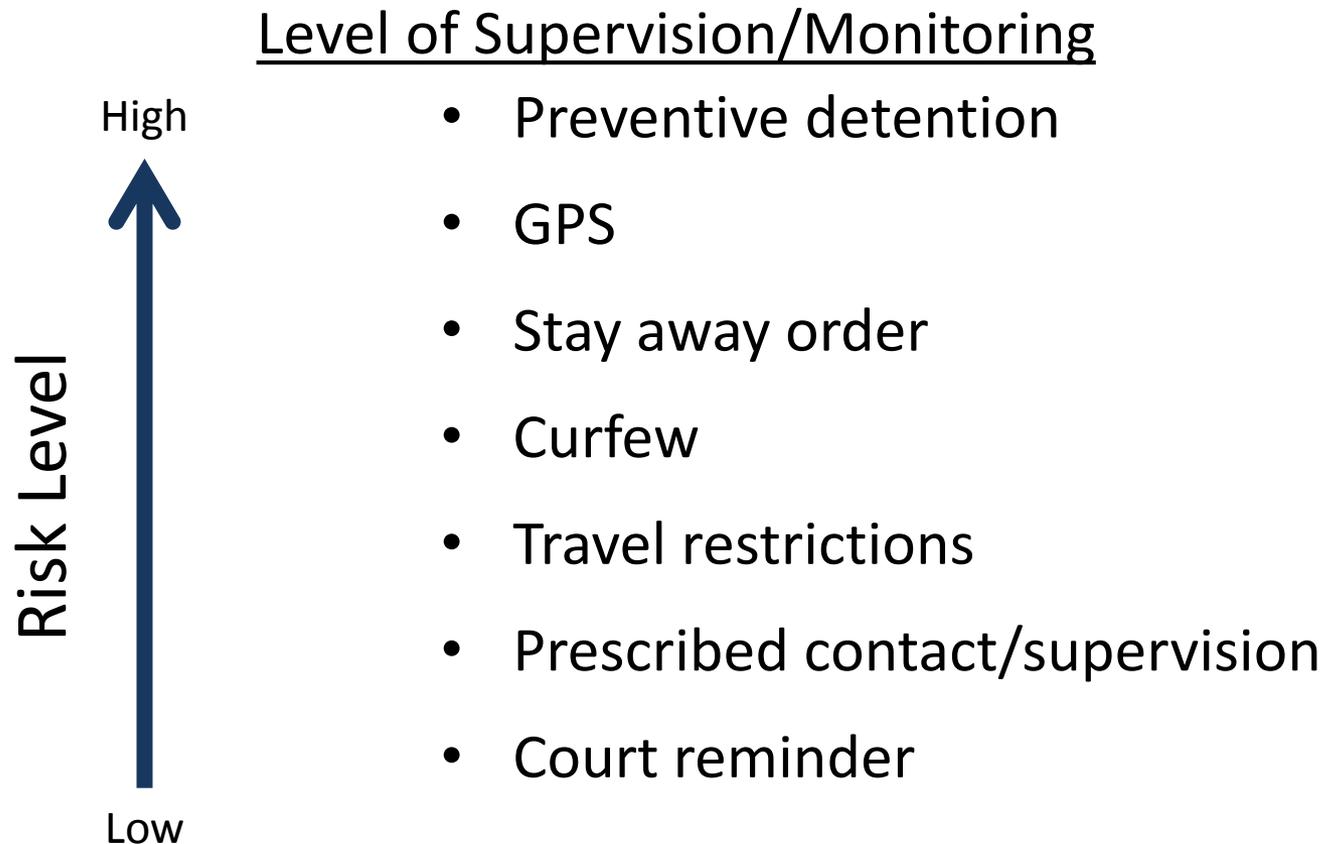
Assessed Risk Level	Increased Likelihood of Recidivate Within 12 Months	Increased Likelihood of Recidivate Within 24 Months
Low	27%	28%
Medium	32%	30%
High	33%	28%

# Conference of Chief Justices



“Imposing conditions on a defendant that are appropriate for that individual following a valid pretrial assessment substantially reduces pretrial detention without impairing the judicial process or threatening public safety.”

*“Imposing conditions on a defendant that are appropriate for that individual following a valid pretrial assessment...”*

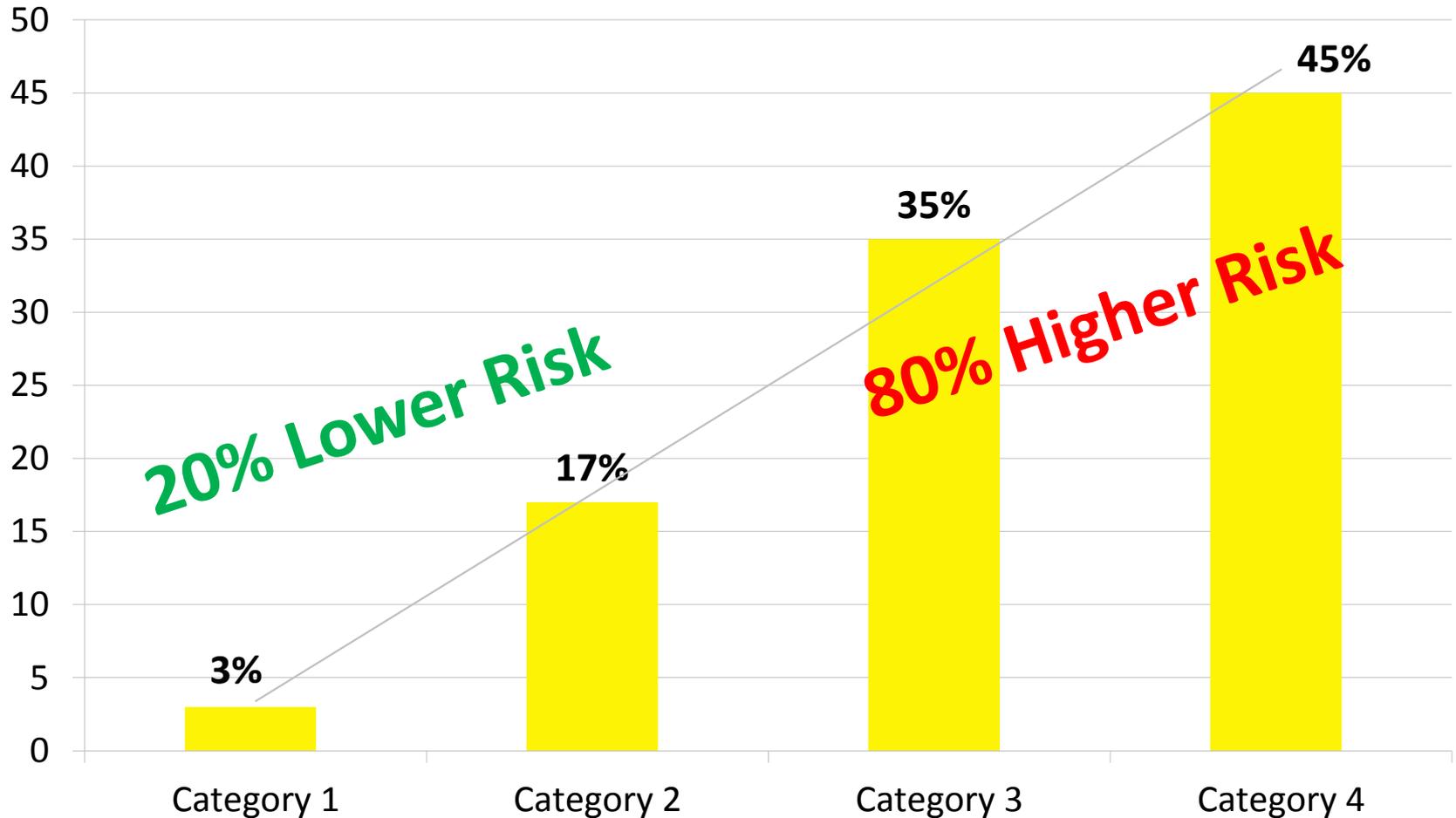


Most Serious Charge						
Pretrial Risk Category	Less Serious Misdemeanor	More Serious Misdemeanor	Less Serious or Non-Violent Felony	Driving Under the Influence	Domestic Violence	Serious or Violent Felony
<b>Lower</b>	Recognizance Release with Court Reminder	Recognizance Release with Court Reminder	Recognizance Release with Court Reminder	Recognizance Release with Basic Supervision	Recognizance Release with Basic Supervision	Recognizance Release with Enhanced Supervision (if Released); or Detained
<b>Medium</b>	Recognizance Release with Basic Supervision	Recognizance Release with Basic Supervision	Recognizance Release with Basic Supervision	Recognizance Release with Enhanced Supervision	Recognizance Release with Enhanced Supervision	Recognizance Release with Enhanced Supervision (if Released); or Detained
<b>Higher</b>	Recognizance Release with Basic Supervision	Recognizance Release with Enhanced Supervision	Recognizance Release with Enhanced Supervision	Recognizance Release with Enhanced Supervision (if Released); or Detained	Recognizance Release with Enhanced Supervision (if Released); or Detained	Recognizance Release with Enhanced Supervision (if Released); or Detained

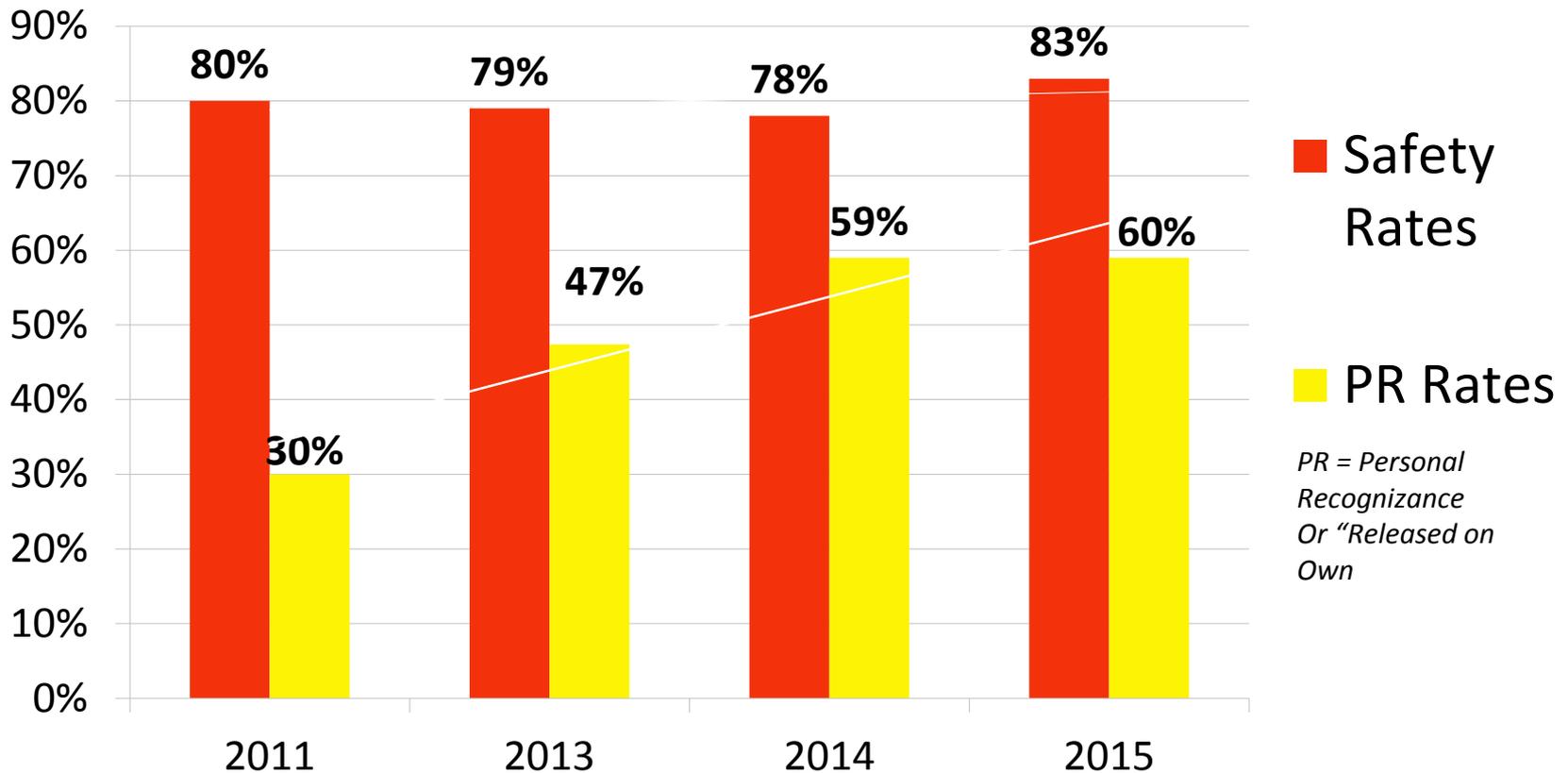
# Supervision levels

<b>Supervision Level</b>	<b>Description</b>
No active supervision	Court date reminder notices
Basic supervision	Weekly reporting by telephone, court date reminder notices
Enhanced supervision	Weekly reporting by telephone, monthly in-person reporting to case manager or kiosk, drug/alcohol assessment and placement in monitoring or treatment if indicated, court date reminder notices
Intensive supervision	GPS monitoring, weekly in-person reporting to case manager or kiosk, drug and alcohol assessment and placement in treatment or monitoring if indicated, court date reminders

“...substantially reduces pretrial detention...”



“...without impairing the judicial process or threatening public safety.”



# Bond type & court appearance rates

Risk Level	Unsecured Bond	Secured Bond
1 (Lowest)	97%	93%
2	87%	85%
3	80%	78%
4 (Highest)	43%	53%
Average	88%	81%

# Bond type & public safety rates

Risk Level	Unsecured Bond	Secured Bond
1 (Lowest)	93%	90%
2	84%	79%
3	69%	70%
4 (Highest)	64%	58%
Average	85%	76%

# Pretrial outcomes in Kentucky

- Overall Release rate: 70%
- Non-financial release rate: 66%
- Community safety rate: 92%
- Court appearance rate: 90%



# Pretrial outcomes in DC

- 80% released (all non-financially)
- 91% arrest free
  - 99% no arrests for violent offenses
- 90% appear



# Other risk management strategies

- Reduce system-related issues that result in failure to appear warrants
- Reduce the number of required court appearances
- Reduce time to disposition

# Benefits of evidence-based pretrial release practices

- Pretrial release decision based on risk, not charge
- Restrictiveness of any release conditions designed to match risk levels
- Supervision resources reserved for those who need them
- Defendants who pose unmanageable risks held, with due process

- Less need for bail review hearings
- Increases ability to address racial and ethnic biases
- Creates a transparent and fair process

